

Fiscal Note**Rule Citation Number:** 15A NCAC 02B .0308 Catawba River Basin**Rule Topic:** Proposed Reclassification of a Segment of the Catawba River (including Lake James) in Burke and McDowell Counties (Catawba River Basin) to Class Water Supply-IV (WS-IV) Critical Area (CA), and WS-IV (Protected Area or PA)**DEQ Division:** Division of Water Resources**Staff Contact:** Jucilene Hoffmann: Economist II, Division of Water Resources (DWR)
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(919) 807-6418**Impact Summary:** State government: Yes
Local government: Yes
Private entities: No
Substantial Impact: No
Federal government: No**Authorizing:** G.S.143-214.5**Necessity:** The reclassification is needed to construct a public water supply intake that will allow McDowell County to meet local water demands. This proposal serves the public interest per Executive Order #70 and complies with G.S. 150B, the Administrative Procedures Act (APA).**1. Background**

McDowell County has requested a reclassification of a segment of the Catawba River, including Lake James, in Burke and McDowell Counties (Catawba River Basin). A portion of the segment is to be reclassified from Class C to Class WS-IV CA and WS-IV (PA), and the remaining portion (Lake James) from Class WS-V & B to Class WS-IV CA & B. Lake James is a dammed part of the Catawba River, and serves as a reservoir. The purpose of this rule change is to allow construction of a new intake in the lake that will provide McDowell County with a permanent source of drinking water that meets future local water demands. According to 2015 DWR studies, the waters to be reclassified meet water supply water quality standards.

The proposed CA would extend approximately 0.5 mile from and draining to Lake James as measured from the normal pool elevation (NPE) of that reservoir; it would include nearly

13,213 acres around the lake. The proposed PA would extend approximately 5 miles from and draining to Lake James as measured from the NPE of that reservoir; it would include nearly 45,099 acres. There are 26 tributaries to the Catawba River included in this reclassification proposal. These waterbodies would become WS-IV CA within 0.5 mile of the reservoir's NPE, and these waterbodies would become WS-IV (PA) within 5 miles of the reservoir's NPE.

If the subject waters are reclassified, new development restrictions and water supply water quality standards will apply throughout the proposed watershed. Other requirements, which apply only in the proposed CA, are additional treatment for new industrial process wastewater discharges, no new landfills and no new residual or septage land application sites. Currently there are not any known planned septage or residual land application sites or landfills in the proposed CA. According to Asheville Regional Office and local government staff, there are no permitted or planned wastewater discharges located in the entire proposed watershed, and no known planned developments located in the entire watershed, which would be impacted by this proposal. The subject watershed is comprised mainly of forested lands, with limited developed lands.

Burke and McDowell Counties along with the City of Marion are the only local governments with jurisdiction in the reclassification area, and are the only local governments that would need to modify their water supply watershed protection ordinances within the required 270 days after the reclassification effective date. Burke County and the City of Marion have provided a resolution to DWR, and given that McDowell County requested the reclassification, it did not need to provide a resolution. The purpose of a resolution is to indicate whether or not a potentially impacted local government will implement the water supply rules within its jurisdiction once a reclassification becomes effective.

The costs and benefits estimated in this fiscal note represent the direct benefits and costs of the proposed reclassification, as required by North Carolina General Statutes. The fiscal analysis revealed a one-time cost of approximately \$2,700 for the State, and \$14,000 for the City of Marion, Burke and McDowell Counties combined, bringing the total to \$16,700.

2. Economic Impact Analysis

2.1 Costs

a) New and Existing Wastewater Discharges, Landfills and Land Application Sites

There are no existing or planned wastewater discharges, or planned landfills and land application sites that would be impacted by the proposed reclassification. Under state regulations, as a result of this reclassification, no new landfills or new land application sites would be allowed within the WS-IV CA. Current and future (new) wastewater discharges throughout the proposed watershed would need to meet water supply water quality standards as noted in 15A NCAC 02B .0104 (Considerations/ Assigning/ Implementing Water Supply Classifications) and .0216 (Fresh Surface Water Quality Standards for WS-IV Waters).

b) New Development

There is no planned development that would be affected by this proposed reclassification. New developments in the proposed WS-IV area would be subject to WS-IV development restrictions (as required in rules 15A NCAC 02B .0104 and .0216), including density and stream setback requirements that are to be implemented via local ordinances.

c) Department of Transportation (DOT)

This reclassification would not affect any known DOT activities in the area according to Andrew McDaniel (NC DOT Highway Stormwater Program Engineer) and David Harris (NC DOT State Roadside Erosion Control and Vegetation Management Engineer).

d) Local Governments

City of Marion, Burke and McDowell Counties would be required to modify their water supply watershed ordinance within 270 days after the effective date of the proposed rule to reflect the changes in surface water classifications and resulting changes in land management requirements (i.e. density and stream setback requirements). City of Marion estimates that this cost would be \$10,000, and Burke and McDowell Counties estimate that each of their costs would be \$2,000.

e) State

The Division of Energy, Mineral and Land Resources (DEMLR) anticipates that if this rule becomes effective, there would be a one-time cost of \$2,700 to the State, which includes staff time and overhead costs. These costs to the State are to be incurred for notifying McDowell County, Burke County and City of Marion; reviewing and approving their local ordinances and maps; and updating DEMLR's interactive stormwater map and website.

These costs to the State vary depending on the particular staff involved to review specific local programs as well as the complexity of the different local programs. The formula used to estimate the cost is as follows:

$$\text{One-time Cost to State} = [(\# \text{tasks}) \times (\text{hrs/task}) \times (\text{staff cost/hr})] + [25\% \text{ overhead}]$$

“Tasks” include phone calls, letters, site visits, and meetings that would be performed by state staff. “Staff cost/hr,” which is based on salary information from OSBM as of July 1, 2012, includes salary, payroll taxes, retirement, and health benefits].

The one-time cost estimate of \$2,700 can be broken down into four subtotals:

1. **McDowell County \$860:** Cost for notification, technical assistance, reviewing local ordinances.
 $[6 \text{ tasks}] \times [\text{range } 0.5 - 4 \text{ hrs/task}] \times [\$36.10 \text{ staff cost/hr}] = [\$685.90] + [\$171.48 \text{ overhead}] = [\$857.38]$, rounded up to \$860.
2. **Burke County \$680:** Cost for notification, technical assistance, reviewing local ordinances.
 $[6 \text{ tasks}] \times [\text{range } 0.5 - 4 \text{ hrs/task}] \times [\$36.10 \text{ staff cost/hr}] = [\$541.50] + [\$135.38 \text{ overhead}] = [\$676.88]$, rounded up to \$680.
3. **City of Marion \$1,040:** Cost for notification, technical assistance, reviewing local ordinances.
 $[6 \text{ tasks}] \times [\text{range } 0.5 - 4 \text{ hrs/task}] \times [\$36.10 \text{ staff cost/hr}] = [\$830.30] + [\$207.58 \text{ overhead}] = [\$1,037.88]$, rounded up to \$1,040.
4. **Cost for updating stormwater map and website \$120:**
 $[1 \text{ task}] \times [2 \text{ hrs/task}] \times [\$47.12 \text{ staff cost/hr}] = [\$94.20] + [\$23.56 \text{ overhead}] = [\$117.80]$, rounded up to \$120.

2.2 Benefits

a) Community and Local Government

After examining other alternative sources, McDowell County determined that an intake in Lake James is the most cost effective option to meet its water needs. The new intake allowed by the reclassification is expected to benefit citizens of McDowell County, by meeting local water demands, securing population and economic growth, and providing a reliable public water supply. This reclassification would also help protect the water supply for human consumption by decreasing the risk of potential contamination via implementation of wastewater discharge and stormwater management requirements for potential future developments and discharges, adhering to applicable state and federal requirements, and wisely utilizing taxpayers’ money. The economic benefits from offering a reliable water supply not only sustain the current economy, but also attract new investments to the region. Those indirect benefits can be observed by looking at county population growth, and the increase in the numbers of new developments and new business brought into the region, which combined represent the economic growth of this region. According to McDowell County’s water supply planning data, its population is projected to double by 2030.

McDowell County, NC	1979	1989	1999	2010 *	2014*	2030*
Per Capita Income \$	8,838	10,516	12,716	14,732	18,730	22,663
Total Population	34,200	35,661	40,565	45,069	46,466	94,000

Source: U.S. Census Survey and NC Local Water Supply

*=Estimated

b) Environment/Ecosystem

Implementation of stormwater management strategies as well as narrative and numeric water quality standards protect environmental assets and ecosystem health. The protective management criteria associated with the WS-IV classification would help to mitigate potential impacts and reduce risk from potential future discharges and development, and thus could benefit fish and wildlife and their habitats. More specifically, portions of the area proposed to be reclassified may experience decreased stormwater runoff as well as decreased water pollution, which may increase and improve aquatic habitat, and in turn, may increase propagation and survival of wildlife and fish. In summary, it would address a wide range of water management objectives, including water supply, stormwater management, and water quality, for the affected area.

2.3 Total Economic Impact

The fiscal analysis revealed a one-time cost of approximately \$2,700 for the State, and \$14,000 for the City of Marion, Burke and McDowell Counties combined, bringing the total to \$16,700. The economic and environmental benefits associated with this reclassification surpass its costs (see paragraphs above), albeit there are difficulties in monetarily quantifying them.

15A NCAC 02B .0308 is proposed for amendment as follows:

15A NCAC 02B .0308 CATAWBA RIVER BASIN

(a) Effective February 1, 1976, the adopted classifications assigned to the waters within the Catawba River Basin are set forth in the Catawba River Basin Schedule of Classifications and Water Quality Standards, which may be inspected at the following places:

- (1) the Internet at ~~http://portal.ncdenr.org/web/wq/ps/esu/rules;~~ <https://deq.nc.gov/river-basin-classification-schedule>; and
- (2) the North Carolina Department of ~~Environment and Natural Resources;~~ Environmental Quality:
 - (A) Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, North Carolina;
 - (B) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina; and
 - (C) Division of Water ~~Quality Resources~~
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C."

(c) The Catawba River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977 (see Paragraph (d) of this Rule);
- (2) August 12, 1979 (see Paragraph (e) of this Rule);
- (3) April 1, 1982 (see Paragraph (f) of this Rule; Rule);
- (4) January 1, 1985 (see Paragraph (g) of this Rule);
- (5) August 1, 1985 (see Paragraph (h) of this Rule);
- (6) February 1, 1986 (see Paragraph (i) of this Rule);
- (7) March 1, 1989 (see Paragraph (j) of this Rule);
- (8) May 1, 1989 (see Paragraph (k) of this Rule);
- (9) March 1, 1990 (see Paragraph (l) of this Rule);
- (10) August 1, 1990 (see Paragraph (m) of this Rule);
- (11) August 3, 1992 (see Paragraph (n) of this Rule);

- (12) April 1, 1994 (see Paragraph (o) of this Rule);
- (13) July 1, 1995 (see Paragraph (p) of this Rule);
- (14) September 1, 1996 (see Paragraph (q) of this Rule);
- (15) August 1, 1998 (see Paragraph (r) of this Rule);
- (16) April 1, 1999 (see Paragraph (s) of this Rule);
- (17) August 1, 2000 (see Paragraph (t) of this Rule);
- (18) August 1, 2004 (see Paragraph (u) of this Rule);
- (19) May 1, 2007 (see Paragraph (v) of this Rule);
- (20) September 1, 2010 (see Paragraph (w) of this Rule); and
- (21) March 1, 2013 (see Paragraph (x) of this Rule).

(d) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1977 as follows:

- (1) Torrence Branch (Index No. 11-136) from source to North Carolina-South Carolina State Line was reclassified from Class D to Class B; and
- (2) Edwards Branch (Index No. 11-137-8-2-1) from source to Brier Creek was reclassified from Class D to Class C.

(e) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 12, 1979 as follows: Unnamed Tributary to Lower Little River (Robinette Creek) (Index No. 11-69-1.5) from source to Lower Little River was reclassified from Class C to Class B.

(f) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1982 as follows:

- (1) Spainhour Creek (Index No. 11-39-3) from source to Lower Creek was reclassified from Class C (1) to Class C; and
- (2) Allen Creek (Index No. 11-129-5-7-2-4) from source to Maiden Creek was reclassified from Class C to Class A-II.

(g) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective January 1, 1985 as follows: Catawba Creek from source to N.C. Highway 275 was reclassified from Class C(1) to Class C.

(h) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1985 as follows:

- (1) Brier Creek (Index No. 11-137-8-2) from source to Little Sugar Creek was reclassified from Class C (1) to Class C;
- (2) Little Hope Creek (Index No. 11-137-8-3) from source to Little Sugar Creek was reclassified from Class C (1) to Class C; and

- (3) McMullen Creek (Index No. 11-137-9-5) from source to N.C. Highway 16 was reclassified from Class C (1) to Class C.
- (i) The Schedule of Classification and Water Quality Standards for the Catawba River Basin was amended effective February 1, 1986 with the reclassification of all A-I and A-II streams to WS-I and WS-III in the Catawba River Basin.
- (j) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1989 as follows:
Wilson Creek (Index No. 11-38-34) and all tributary waters were reclassified from Class B-trout and Class C-trout to Class B-trout ORW and Class C-trout ORW.
- (k) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective May 1, 1989 as follows:
- (1) Henry Fork [Index Nos. 11-129-1-(1) and 11-129-1-(2)] from source to Laurel Creek, including all tributaries, were reclassified from Class WS-I, C and C trout to Class WS-I ORW, C ORW and C trout ORW, except Ivy Creek and Rock Creek which will remain Class C trout and Class C; and
 - (2) Jacob Fork [Index Nos. 11-129-2-(1) and 11-129-2-(4)] from source to Camp Creek, including all tributaries, were reclassified from Class WS-III trout and WS-III to WS-III trout ORW and WS-III ORW.
- (l) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1990 as follows:
- (1) Upper Creek [Index No. 11-35-2-(1)] from source to Timbered Branch including all tributaries except Timbered Branch (Index No. 11-35-2-9) was reclassified from Class C Trout to Class C Trout ORW; and
 - (2) Steels Creek [Index No. 11-35-2-12(1)] from source to Little Fork and all tributaries was reclassified from Class C Trout to Class C Trout ORW.
- (m) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1990 as follows:
- (1) The classification for the portion of Mackey Creek [Index No. 11-15-(2)] from Marion Water Supply Intake to Laurel Fork was reclassified from Class C to Class C HQW;
 - (2) Laurel Fork Creek [Index No. 11-15-3] from source to Mackey Creek was reclassified from Class C Tr to Class C Tr HQW;
 - (3) Armstrong Creek [Index No. 11-24-14-(1)] from source to Bee Rock Creek was reclassified from Class WS-III Tr to Class WS-III Tr HQW;

- (4) Two segments of Linville River [Index Nos. 11-29-(16) and 11-29-(19)] were reclassified from Class B Tr and Class B to Class B Tr HQW and Class B HQW, respectively;
- (5) Upper Creek [Index No. 11-35-2-(8.5)] and its named tributaries were reclassified from Class C Tr to Class C Tr HQW;
- (6) Upper Creek (Clear Water Beach Lake) [Index No. 11-35-2-(10)] from Holly Spring Branch to Dam Clear Water Beach Lake was reclassified from Class B Tr to Class B Tr HQW;
- (7) Holly Spring Branch [Index No. 11-35-2-11] from source to Upper Creek was reclassified from Class C Tr to Class Tr HQW;
- (8) Steels Creek [Index No. 11-35-2-12-(5)] from Little Fork to a point 1.7 miles upstream from N.C. Highway 181 Bridge was reclassified from Class B Tr to Class B Tr HQW and Steels Creek [Index No. 11-35-2-12-(7)] from a point 1.7 miles upstream from N.C. Highway 181 bridge to Clear Water Beach Lake, Upper Creek was reclassified from Class B to Class B HQW;
- (9) Upper Creek [Index No. 11-35-2-(13)] from Dam at Clear Water Beach Lake to Warrior Fork was reclassified from Class WS-III Tr to Class WS-III Tr HQW;
- (10) The portion of Johns River [Index No. 11-38-(28)] from Wilson Creek to Rhodhiss Lake, Catawba River was reclassified from Class C to Class C HQW;
- (11) Mulberry Creek [Index No. 11-38-32-(1)] from source to Boone Fork and its tributaries Left Fork Mulberry Creek [Index No. 11-38-32-2], Right Fork Mulberry Creek [Index No. 11-38-32-3], Roaring Creek [Index No. 11-38-32-8] and Clark Branch [Index No. 11-38-32-10] were reclassified from Class C Tr to Class C Tr HQW;
- (12) Amos Creek [Index No. 11-38-32-4] and Mills Creek [Index No. 11-38-32-5] and their named tributaries were reclassified from Class C to Class C HQW;
- (13) Cane Branch [Index No. 11-38-32-6], Rush Branch [11-38-32-7] and Frankum Creek [11-38-32-9] and its named tributaries were reclassified from Class C to Class C HQW;
- (14) Mulberry Creek [Index No. 11-38-32-(11)] from Boone Branch to Dam at Mulberry Beach was reclassified from Class B to Class B HQW;
- (15) Boone Branch (Fork) [Index No. 11-38-32-12] and its named tributaries from source to Mulberry Creek were reclassified from Class B to Class B HQW;
- (16) Brown Branch [Index No. 11-38-32-13] and Moore Branch [Index No. 11-38-32-14] were reclassified from Class B to Class B HQW; and
- (17) Anderson Creek [Index No. 11-38-32-16] was reclassified from Class C to Class C HQW.

(n) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(o) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1994 as follows:

- (1) Friday Lake (Index No. 11-125.5) from its source to Little Paw Creek was reclassified from Class C to Class B; and
- (2) The Linville River [Index No. 12-29-(1)] from Grandmother Creek to Linville Falls was reclassified from Class C Tr to Class B Tr.

(p) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective July 1, 1995 with the reclassification of Clark Creek from a point 0.6 mile downstream of Catawba County SR 2014 to 0.4 mile upstream of Larkard Creek [Index No. 11-129-5-(4.5)], and Howards Creek from its source to 0.7 mile upstream of Lincoln County State Road 1200 [Index No. 11-129-4], including associated tributaries from Class WS-IV to Classes C and WS-IV.

(q) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective September 1, 1996 as follows:

- (1) North Fork Catawba River [Index No. 11-24-(1)] from Laurel Branch to Armstrong Creek from Class C Tr to Class B Tr; and
- (2) Catawba River (Lake Hickory) from Rhodhiss dam to highway 321 [Index No. 11-(51)] from Class WS-IV CA to Class WS-IV B CA.

(r) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1998 as follows:

- (1) The primary classification for portions of South Fork Catawba River [Index No. 11-129-(0.5)] and Hoyle Creek [Index No. 11-129-15-(1)] was reclassified from Class WS-IV to Class WS-V;
- (2) Mill Creek [Index No. 11-7] from its source to Swannanoa Creek, including all tributaries, from Class C Tr to Class Tr HQW;

- (3) Toms Creek [Index Nos. 11-21-(1) and 11-21-(2)] from its source to Harris Creek, including all tributaries were reclassified from Class C Tr to Class Tr HQW; and
 - (4) Harris Creek to McDowell County SR 1434, including all tributaries were reclassified from Class C to Class HQW.
- (s) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1999 as follows:
- (1) Portion of the Catawba River [Index Nos. 11-(27.5) and 11-(31)] from Class WS-IV B and WS-IV to Class WS-V B and WS-V;
 - (2) Armstrong Creek [Index Nos. 11-24-14-(1), 11-24-14-(13.5) and 11-24-14-(14)], and all tributaries from Classes WS-II Tr, WS-II, WS-II CA and C Tr to Classes C Tr HQW and C HQW;
 - (3) Lookout Shoals Lake from Oxford Dam to Island Creek [Index No. 11-(67)] from Class WS-V to Class WS-IV CA, from Island Creek to Elk Shoal Creek [Index No. 11-(70.5)] from Class WS-IV to Class WS-IV CA and from Elk Shoal Creek to a point one half mile upstream of Lookout Shoals Dam [Index No. 11-(72)] from Class WS-IV B to Class WS-IV B CA;
 - (4) The classifications of tributary streams that are within five miles and draining to the normal pool elevation of Lookout Shoals Lake (Protected Area) have been revised to Class WS-IV; and
 - (5) The classifications of tributary streams that are within one half mile and draining to the normal pool elevation of Lookout Shoals Lake (Critical Area) have been revised to Class WS-IV CA.
- (t) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2000 with the reclassification of Little Grassy Creek (Index No. 11-29-2), including all tributaries, from its source to the Linville River from Class C Tr to Class C Tr ORW.
- (u) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2004 with the reclassification of a segment of three surface waters, more specifically Henry Fork [11-129-1-(1)], Jerry Branch [11-129-1-3-(1)], and He Creek [11-129-1-4-(1)], from source to a formerly used City of Morganton Water Intake from Class WS-I ORW to Class WS-V ORW.
- (v) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended May 1, 2007 with the reclassification of the Catawba River [Index No. 11-(31.5)] from a point 0.6 mile upstream of Muddy Creek to a point 1.2 miles upstream of Canoe Creek from WS-IV to WS-IV Tr and Catawba River [Index No. 11-(32.3)] from a point 1.2 miles upstream of Canoe Creek to a point 0.7 mile upstream of Canoe Creek (Morganton water supply intake) from WS-IV CA to WS-IV Tr CA. Named and

unnamed tributaries to this portion of the Catawba River are not classified as Trout. Between the last day of May and the first day of November the water quality standard for dissolved oxygen shall not be less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l.

(w) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended September 1, 2010 with the reclassification of the portion of the Catawba River [Index No. 11-(1)], from its source to the Left Prong Catawba River confluence, and its named tributaries, Chestnut Branch (Fork) [Index No. 11-2], Clover Patch Branch [Index No. 11-3], Youngs Fork Creek [Index No. 11-4], Spring Branch [Index No. 11-5], and Left Prong Catawba River [Index No. 11-6] from Class C Tr to Class C Tr HQW.

(x) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended March 1, 2013 as follows:

- (1) the portion of Maiden Creek [Index No. 11-129-5-7-2-(1)] from source to a point 0.7 mile upstream from backwaters of Maiden Reservoir, and its named tributary, Bee Branch [Index No. 11-129-5-7-2-2], from Class WS-II HQW to WS-V;
- (2) the portion of Maiden Creek [Index No. 11-129-5-7-2-(2.5)] from a point 0.7 mile upstream from backwaters of Maiden Reservoir to dam at Maiden Reservoir from Class WS-II HQW CA to WS-V;
- (3) the portion of Allen Creek [Index No. 11-129-5-7-2-4-(1)] from source to a point 0.7 mile upstream of Maiden water supply intake from Class WS-II HQW to WS-V; and
- (4) the portion of Allen Creek [Index No. 11-129-5-7-2-4-(2)] from a point 0.7 mile upstream of Maiden water supply intake to Maiden water supply intake from Class WS-II HQW CA to WS-V.

(y) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended July 1, 2017, in order to allow a water supply intake to be placed in Lake James by McDowell County, as follows:

- (1) a portion of the Catawba River [Index No. 11-(23)], including tributaries, from Bridgewater Dam to North Fork Catawba River from Class WS-V & B to Class WS-IV CA & B, and a portion of the Catawba River [part of Index No. 11-(8)], including tributaries, from North Fork Catawba River to a point 0.75 mile downstream of SR 1501 from Class C to Class WS-IV CA. The CA extends 0.5 mile from and draining to the normal pool elevation of Lake James.
- (2) a portion of the Catawba River [part of Index No. 11-(8)], including tributaries, from a point 0.75 mile downstream of SR 1501 to a point 0.21 mile upstream of I-221 from Class

C to Class WS-IV. The PA extends 5.0 miles from and draining to the normal pool elevation of Lake James.

*History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. July 1, 2017; March 1, 2013; December 1, 2010; September 1, 2010; May
1, 2007; August 1, 2004; August 1, 2000; April 1, 1999; August 1, 1998; September 1,
1996; July 1, 1995; April 1, 1994; August 3, 1992; August 1, 1990.*